

# PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

(Pursuant to Rule 32,  
Alabama Rules of Criminal Procedure)

Case Number

11 02 909  
ID YR NUMBER

IN THE CIRCUIT COURT OF MONTGOMERY, ALABAMA

KOURTNEY GREENWOOD vs. STATE OF ALABAMA  
Petitioner (Full Name) Respondent

[Indicate either the "State" or,  
if filed in municipal court, the  
name of the "Municipality"]

Prison Number 179810 Place of Confinement W.E.D.C.F.

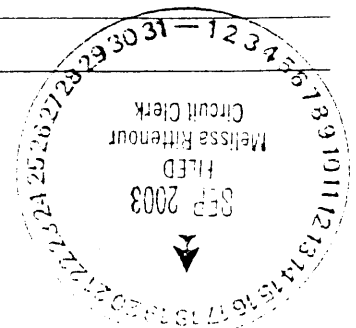
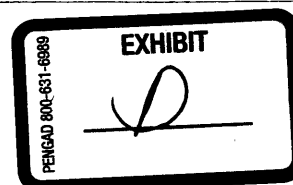
County of conviction MONTGOMERY

NOTICE: BEFORE COMPLETING THIS FORM, READ CAREFULLY  
THE ACCOMPANYING INSTRUCTIONS.

- Name and location (city and county) of court which entered the judgment of conviction or sentence under attack MONTGOMERY COUNTY ALABAMA
- Date of judgment of conviction DEC 30 2002
- Length of sentence LIFE
- Nature of offense involved (all counts) ROBBERY (1<sup>st</sup>) DEGREE

5. What was your plea? (Check one)

- (a) Guilty \_\_\_\_\_  
(b) Not guilty ☒  
(c) Not guilty by reason of mental disease or defect \_\_\_\_\_  
(d) Not guilty and not guilty by reason of mental disease or defect \_\_\_\_\_



6. Kind of trial: (Check one)

(a) Jury ☒

(b) Judge only ☐

7. Did you testify at the trial?

Yes ☒

No ☐

8. Did you appeal from the judgment of conviction?

Yes ☒

No ☐

9. If you did appeal, answer the following:

(a) As to the state court to which you first appealed, give the following information:

(1) Name of court COURT OF CRIMINAL APPEALS

(2) Result DENIED

(3) Date of result NOT KNOWN

(b) If you appealed to any other court, then as to the second court to which you appealed, give the following information:

(1) Name of court COURT OF CRIMINAL APPEALS  
APPLICATION FOR REHEARING

(2) Result OVERRULING

(3) Date of result JUNE 13, 2003

(c) If you appealed to any other court, then as to the third court to which you appealed, give the following information:

(1) Name of court ALABAMA SUPREME COURT  
WRIT OF CERTIORARI

(2) Result DENIED

(3) Date of result NOT KNOWN

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10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes \_\_\_\_\_

No ☒

11. If your answer to Question 10 was "yes", then give the following information in regard to the first such petition, application, or motion you filed:

(a) (1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(attach additional sheets if necessary)

- (4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No ☒

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

- (b) As to any second petition, application, or motion, give the same information:

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(attach additional sheets if necessary)

- (4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No \_\_\_\_\_

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

- (c) As to any third petition, application, or motion, give the same information (attach additional sheets giving the same information for any subsequent petitions, applications, or motions)

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes \_\_\_\_\_

No \_\_\_\_\_

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(d) Did you appeal to any appellate court the result of the action taken on any petition, application, or motion?

(1) First petition, etc.

Yes \_\_\_\_\_

No \_\_\_\_\_

(2) Second petition, etc.

Yes \_\_\_\_\_

No \_\_\_\_\_

(2) Third petition, etc.

Yes \_\_\_\_\_

No \_\_\_\_\_

**ATTACH ADDITIONAL SHEETS GIVING THE SAME INFORMATION  
FOR ANY SUBSEQUENT PETITIONS, APPLICATIONS, OR MOTIONS.**

(e) If you did not appeal when you lost on any petition, application, or motion, explain briefly why you did not:

12. Specify every ground on which you claim that you are being held unlawfully, by placing a check mark on the appropriate line(s) below and providing the required information. Include all facts. If necessary, you may attach pages stating additional grounds and the facts supporting them.

**GROUND(S) OF PETITION**

Listed below are the possible grounds for relief under Rule 32. Check the ground(s) that apply in your case, and follow the instruction under the ground(s):

- \_\_\_\_\_ A. The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief.

For your information, the following is a list of the most frequently raised claims of constitutional violation:

- (1) Conviction obtained by plea of guilty which was unlawful, induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (2) Conviction obtained by use of coerced confession.
- (3) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- ☒ (4) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (5) Conviction obtained by a violation of the privilege against self-incrimination.
- (6) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (7) Conviction obtained by a violation of the protection against double jeopardy.
- (8) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (9) Denial of effective assistance of counsel.

This list is not a complete listing of all possible constitutional violations.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each constitutional violation that you claim, whether or not it is one of the nine listed above, and include under it each and every fact you feel supports this claim. Be specific and give details.

☒ B. The court was without jurisdiction to render the judgment or to impose the sentence.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

☒ C. The sentence imposed exceeds the maximum authorized by law, or is otherwise not authorized by law.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

☐ D. Petitioner is being held in custody after his sentence has expired.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

☒ E. Newly discovered material facts exist which require that the conviction or sentence be vacated by the court, because:

The facts relied upon were not known by petitioner or petitioner's counsel at the time of trial or sentencing or in time to file a post-trial motion pursuant to rule 24, or in time to be included in any previous collateral proceeding, and could not have been discovered by any of those times through the exercise of reasonable diligence; and

The facts are not merely cumulative to other facts that were known; and

The facts do not merely amount to impeachment evidence; and

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If the facts had been known at the time of trial or sentencing, the result would probably have been different; and

The facts establish that petitioner is innocent of the crime for which he was convicted or should not have received the sentence that he did.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

F. The petitioner failed to appeal within the prescribed time and that failure was without fault on petitioner's part.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

13. **IMPORTANT NOTICE REGARDING ADDITIONAL PETITIONS RULE 32.2(b) LIMITS YOU TO ONLY ONE PETITION IN MOST CIRCUMSTANCES. IT PROVIDES:**

**"Successive Petitions.** The court shall not grant relief on a second or successive petition on the same or similar grounds on behalf of the same petitioner. A second or successive petition on different grounds shall be denied unless the petitioner shows both that good cause exist why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and that failure to entertain the petition will result in a miscarriage of justice."

A. Other than an appeal to the Alabama Court of Criminal Appeals or the Alabama Supreme Court, have you filed in state court any petition attacking this conviction or sentence?

Yes \_\_\_\_\_

No \_\_\_\_\_

B. If you checked "Yes," give the following information as to earlier petition attacking this conviction or sentence:

(a) Name of court \_\_\_\_\_

(b) Result \_\_\_\_\_

(c) Date of result \_\_\_\_\_  
(attach additional sheets if necessary)

C. If you checked the "Yes" line in 13A, above, and this petition contains a different ground or grounds of relief from an earlier petition or petitions you filed, attach a separate sheet or sheets labeled: "EXPLANATION FOR NEW GROUND(S) OF RELIEF."

On the separate sheet(s) explain why "good cause exists why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and [why the] failure to entertain [this] petition will result in a miscarriage of justice."

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes \_\_\_\_\_

No ☒

15. Give the name and address, if known, of each attorney who represented you at the following stages of the case that resulted in the judgment under attack:

- (a) At preliminary hearing JOHN WILEY HARTLEY  
312 SCOTT STREET MONTGOMERY, ALA 36102
- (b) At arraignment and plea 'Same'
- (c) At trial 'Same'
- (d) At sentencing 'Same'
- (e) On appeal MACEO KIRKLAND  
529 S. PERRY ST. MONTGOMERY ALA 36104
- (f) In any post-conviction proceeding N/A
- (g) On appeal from adverse ruling in a post-conviction proceeding N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes \_\_\_\_\_

No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes \_\_\_\_\_

No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future:

(b) And give date and length of sentence to be served in the future:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes \_\_\_\_\_

No ☒

18. What date is this petition being mailed?

9/14/03

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding

# PETITIONER'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

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I swear (or affirm) under penalty of perjury that the foregoing is true and correct.

Executed on SEP 10<sup>th</sup>, 03  
(Date)

Korree A. Russell  
Signature of Petitioner

SWORN TO AND SUBSCRIBED before me this the 10 day of SEPTEMBER, 2003  
James A. Bechem  
Notary Public

MY COMMISSION EXPIRES  
SEPTEMBER 25, 2004

OR \*

## ATTORNEY'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

I Swear (or affirm) under penalty of perjury that, upon information and belief, the foregoing is true and correct. Executed on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of Petitioner's Attorney

SWORN TO AND SUBSCRIBED before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Name and address of attorney representing petitioner  
in this proceeding (if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



COURTNEY GREENWOOD  
PETITIONER

VS.

CASE NO: CC-02-0909

STATE OF ALABAMA  
RESPONDENT.

PETITIONER GROUND OF PETITION

COMES NOW THE ABOVE STYLED PETITIONER, COURTNEY GREENWOOD, AND FILES THIS PETITION FOR RELIEF FROM HIS ILLEGAL SENTENCE PURSUANT TO RULE 32, A. R. C. P., AND IN SUPPORT SHOWS THE FOLLOWING TO WIT:

THE PETITIONER'S SENTENCE IS ILLEGAL DUE TO HIS INDICTMENT CHARGES ONLY (3<sup>RD</sup>) DEGREE ROBBERY. THEREFORE PETITIONER HAS BEEN CHARGED IN EXCESS OF THE MAXIMUM SENTENCE AUTHORIZED BY LAW.

THE PETITIONER WAS INDICTED FOR ROBBERY IN THE 1<sup>ST</sup> DEGREE AND WAS ENHANCED TO FIRST DEGREE BY SUBSECTION 13A-8-41(A)(1), WHICH STATES:

(1) IS ARMED WITH A DEADLY WEAPON OR DANGEROUS INSTRUMENT.

A PERSON COMMITS THE CRIME OF ROBBERY IN THE FIRST DEGREE IF HE VIOLATES SECTION 13A-8-43, CODE OF ALABAMA 1975, WHICH STATES AS FOLLOWS:

## 13A-8-43. ROBBERY IN THE THIRD DEGREE

(A) A PERSON COMMITS THE CRIME OF ROBBERY IN THE THIRD DEGREE IF IN THE COURSE OF COMMITTING A THEFT HE:

- (1) USES FORCE AGAINST THE PERSON OF THE OWNER OR ANY PERSON PRESENT WITH INTENT TO OVERCOME HIS PHYSICAL RESISTANCE OR;
- (2) THREATENS THE IMMEDIATE USE OF FORCE AGAINST THE PERSON OF OWNER OR ANY PERSON PRESENT WITH INTENT TO COMPEL OBEDIENCE TO THE TAKING OF OR ESCAPING WITH THE PROPERTY.

THE FACTS OF THIS CASE ARE, THE VICTIM ALLEGES THE PETITIONER WAS ARMED WITH A DEADLY WEAPON, TO WIT A GUN IS A DEADLY WEAPON AND AN ESSENTIAL ELEMENT OF THE STATUTE, 13A-8-41, FIRST DEGREE ROBBERY. HOWEVER IT ALSO HAS BEEN LEGALLY DETERMINED BY THE ALABAMA COURT OF CRIMINAL APPEALS IN THE DECISION OF DECK V STATE, 677 SO.2D.1267 (ALA. CR. APP. 1996)... THAT A GUN IS AN ELEMENT OF 13A-8-43, THIRD DEGREE ROBBERY. THE DECK COURT SET OUT THE PROPOSITION OF LAW AS FOLLOWS:

"AS A MATTER OF LAW, WIELDING A GUN CONSTITUTES BOTH USE OF FORCE AND THREAT OF FORCE REQUIRED FOR THIRD DEGREE ROBBERY."

THE POSSESSION OF A GUN DURING A ROBBERY IS AN ELEMENT OF BOTH (1<sup>ST</sup> AND 3<sup>RD</sup>) DEGREE ROBBERY. THIRD DEGREE ROBBERY IS ESSENTIAL ELEMENT WHICH MUST OCCUR BEFORE YOUR PETITIONER COULD BE CHARGED WITH (1<sup>ST</sup>) DEGREE ROBBERY. THEREFORE, IN ORDER TO CHARGE PETITIONER

WITH (1<sup>ST</sup>) DEGREE ROBBERY THE RE MAINING SUBSECTION OF 13A-8-41, (A)(2) MUST HAVE OCCURRED AND ALLEGED IN THE INDICTMENT, WHICH STATES:

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13A-8-41, (A)(2): CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER.

THE PETITIONER DID NOT CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER, THEREFORE THE EVIDENCE OF A CRIME OF (1<sup>ST</sup>) DEGREE ROBBERY DID NOT OCCUR IN THIS CASE TO WARRANT A SENTENCE FOR (1<sup>ST</sup>) DEGREE ROBBERY, AS PETITIONER'S INDICTMENT CHARGES ONLY THE LESSER OR COMPLETED CHARGE OF (3<sup>RD</sup>) DEGREE ROBBERY. SEE EXHIBIT A

PETITIONER SENTENCE IS THEREFORE IN EXCESS OF THAT AUTHORIZED BY LAW AS THE RANGE OF SENTENCE FOR (3<sup>RD</sup>) DEGREE ROBBERY A CLASS (C) FELONY IS (1) YEAR (1) DAY TO (1) YEARS (13A-5-8), CODE OF ALABAMA 1975).

PETITIONER AVER'S THAT HIS ILLEGAL SENTENCE CAN BE CHALLENGED AT ANYTIME. J.W.J. VS. STATE, 690 So.2D 519 (ALA. CR. APP. 1996), AND MOORE VS. STATE, 733 So.2D 912 (1998). ALSO, IN THE CASE OF BARNES VS. STATE, 708 So.2D 217 (ALA. CR. APP. 1997) THE COURT OF CRIMINAL APPEALS HELD THAT AN APPELLANT WAS ENTITLED TO A HEARING ON A PETITION FOR POST CONVICTION RELIEF WHERE HE ALLEGED THAT HE WAS SENTENCE TO A LIFE SENTENCE.

THE INDICTMENT IN THIS CASE ONLY CHARGES (3<sup>RD</sup>) DEGREE ROBBERY AS EXHIBIT (A) REFLECTS.

THEREFORE, HE ENTITLED TO AN EVIDENTIARY HEARING TO PRESENT ADDITIONAL EVIDENCE OR THIS COURT CAN DECIDE THE QUESTION OF LAW BASED UPON THE ATTACHED EXHIBIT AND APPLYING THE CONTROLLING DECISION OF DECK VS. STATE, SUPRE

THAT ESTABLISHES THAT "A GUN" IS A , ELEMENT OF THE  
OFFENSE OF ROBBERY (3<sup>RD</sup>) DEGREE.

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WHEREFORE, FOR THE ABOVE SAID REASONS PETITIONER PRAYS  
THAT THE REQUESTED RELIEF BE GRANTED.

THE TRIAL COURT WAS WITHOUT JUR. SELECTION TO IMPOSE SENTENCE AND CONVICTION AS THE INDICTMENT IS VOID AS IT FAILS TO ALLEGE THE ESSENTIAL ELEMENTS OF (1<sup>ST</sup>) DEGREE ROBBERY "CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER". 19

THE PETITIONER INCORPORATES ISSUE (I) INTO THIS SECOND CLAIM AND AVERES THE FOLLOWING, THAT HIS INDICTMENT EXHIBIT (A) ENCOMPASSES ONLY THE ELEMENTS REQUIRED TO CHARGE HIM (3<sup>RD</sup>) DEGREE ROBBERY, THE AVERMENT OF ARMED WITH A DEADLY WEAPON, OR DANGEROUS INSTRUMENT, IN THIS CASE A GUN, IS ALSO AN ELEMENT OF (3<sup>RD</sup>) DEGREE AS A MATTER OF LAW ESTABLISHED IN DICK VS. STATE, 677 So.2D, 1267 (ALA, 2<sup>D</sup> APP, 1996) WHICH HELD:

"AS A MATTER OF LAW, WIELDING A GUN CONSTITUTES BOTH USE OF FORCE AND THREAT OF FORCE REQUIRED FOR THIRD DEGREE ROBBERY."

PETITIONER THEREFORE COULD ONLY BE CHARGED WITH (1<sup>ST</sup>) DEGREE ROBBERY IF IT WAS ENHANCED BY THE FACTS OF THIS CASE, THAT PETITIONER CAUSED THE VICTIM SERIOUS PHYSICAL INJURY TO ANOTHER AS REQUIRED BY SECTION 13A-8-11 (A) (2), OF THE CODE OF ALABAMA 1975.

THE PETITIONER INDICTMENT IS VOID OF THIS ESSENTIAL AND IS THEREFORE VOID AS IT FAILS TO CHARGE (1<sup>ST</sup>) DEGREE ROBBERY. SEE EXHIBIT A.

WHEREFORE, FOR THE ABOVE SAID REASONS PETITIONER PRAYS THAT HIS SENTENCE AND CONVICTION BE VACATED OR IN THE ALTERNATIVE THAT THIS MATTER BE SET FOR AN EVIDENTIARY HEARING.

ISSUE THREE  
 WHETHER THE PETITIONER WAS ILLEGALLY ARRESTED;  
 RENDERING THIS COURT OF PERSONAL JURISDICTION  
 OVER THE PETITIONER? YES

THE PETITIONER KOURTNEY GREENWOOD, WAS ALLEGED TO  
 HAVE COMMITTED THE CRIME OF ROBBERY (1<sup>ST</sup>) DEGREE. BY  
 MONTGOMERY POLICE DEPARTMENT. THEREAFTER, LARRY COE  
ELAND JR. APPEARED BEFORE A MAGISTRATE JUDGE. \_\_\_\_\_  
 \_\_\_\_\_ TO OBTAIN A WARRANT FOR PETITIONER ARREST  
 EXHIBIT B.

THE WARRANT FOR ARREST OF PETITIONER WAS ISSUED  
 WITHOUT ANY VALID PROBABLE CAUSE. THE WARRANT CLEARLY  
 REFLECTS THAT IT IS LACKING THE STATUTORY LANGUAGE  
 OF THE ALLEGED CHARGED OFFENSE 13A-8-41, OF THE CODE OF  
 ALABAMA (1975) EXHIBIT B.

THE WARRANT FOR ARREST OF PETITIONER STATES CONCLU-  
 SIONS AND IS INSUFFICIENT IN AND OF ITSELF, TO SUPPORT  
 A FINDING OF PROBABLE CAUSE TO ARREST PETITIONER.

WHEN A COMPLAINT OR WHAT A WARRANT IS ISSUED DOES  
 NOT SUPPORT A FINDING OF PROBABLE CAUSE THE PETITIONER  
 ARREST VIOLATES HIS CONSTITUTIONAL RIGHTS UNDER THE  
 FOURTH AND FOURTEENTH AMENDMENTS. SEE: WHITELEY VS.  
WARDEN OF WYOMING PENITENTIARY, 401 U.S. 560, 28 L. ED. 2  
 306, 111 S. CT. 1031,

JURISDICTION OF THE PERSON IS ESSENTIAL TO THE POWER  
 OF A COURT TO DETERMINE A LEGAL CONTROVERSY. PERSONAL  
 JURISDICTION REQUIRES A BASIS FOR JURISDICTION  
 AUTHORIZED BY STATUTE AND CONSISTENT WITH DUE PRO-  
 -CESS. SEE: RANKIN VS. HOWARD, C. A. ARIZ. 633 F.2D 844 CERT



THE ILLEGAL ARREST OF THE PETITIONER, ~~AS A WARRANT~~  
RENDERED THE TRIAL COURT OF ANY PERSONAL JURISDICTION  
OVER THE PETITIONER, AS A WARRANT BASED UPON PROBABLE  
CAUSE HAD TO BE ISSUED TO LEGALLY ARREST PETITIONER.

IN ORDER FOR THE TRIAL COURT TO OBTAIN PERSONAL JURISDICTION OF THE PETITIONER THERE FIRST HAD TO HAVE BEEN A LAWFUL ARREST; IN THIS CASE IT JUST DID NOT OCCUR. FOURTH AMEND. U.S.C.A.; TAYLOR VS. ALABAMA, 457 U.S. 681, 73 L. ED. 2D 314, 102 S. CT. 2664.

THEREFORE, THE JUDGMENT OF THE COURT IS VOID.

ISSUE FOUR

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WHETHER THE TRIAL COURT IMPROPERLY SENTENCED PETITIONER TO LIFE IMPRISONMENT AS A HABITUAL OFFENDER WITH (2) PRIOR CONVICTIONS? YES

ARGUMENT

PETITIONER ARGUES THAT HE HAD (1) PRIOR CONVICTION FOR LIE AT THE TIME HE WAS SENTENCED FOR ROBBERY (1<sup>st</sup>) DEGREE FOR CASE NO. CC-02-909. SEE EXHIBIT 1.

PETITIONER ALSO ARGUES THAT ON CASE NO. CC-99-45 FOUR PETITIONER WERE NOT SENTENCE UNTIL 12-30-02 PETITIONER SHOW THIS COURT THAT THIS PRIOR CONVICTION WERE IMPROPER TO BE USED AS A COUNTABLE PRIOR SEE EXHIBIT C.

PETITIONER ARGUES THAT HIS SENTENCE OF LIFE IMPRISONMENT EXCEEDS THE MAXIMUM SENTENCE AUTHORIZED BY LAW. PETITIONER ALSO ARGUES THAT THE PERMISSIBLE RANGE OF SENTENCE FOR ROBBERY (1<sup>st</sup>) DEGREE A CLASS A FELONY WITH ONE PRIOR FELONY (15) YEARS LIFE OR (99) YEARS THE RECORD REVEAL THAT THE COURT ABUSED ITS DISCRETION BY SENTENCING THE PETITIONER TO (LIFE) IMPRISONMENT. SEE EXHIBIT C.

PETITIONER ARGUES THAT HIS LIFE SENTENCE CONSTITUTED A VIOLATION OF PETITIONER'S EIGHTH AMENDMENT RIGHTS AND WHERE THE PUNISHMENT IMPOSED WERE NOT IN THE STATUTORY RANGE. REVIEWING COURT ONLY OVER-THROW THE SENTENCING DECISION IF A CLEAR ABUSE OF DISCRETION BY THE TRIAL COURT.



PETITIONER, ALLEGES THAT SENT IN THE DEFECTS  
ERRORS CAN BE RAISED AT ANY TIME. SEE T.O.T. VS. STATE  
190 So.2D 510 (ALA. CR. APP. 1996), AND MOORE VS. STATE 77  
So.2D 912 (1998); ALSO, BARBAS VS. STATE, 708 So.2D 217 (ALA  
CR. APP. 1997). SEE EXHIBIT C.

PETITIONER'S NEWLY DISCOVERED EVIDENCE; IN SUP-  
PORT OF PETITIONER;

ARGUMENT

WHETHER THAT PETITIONER WAS DENIED HIS RIGHTS TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR VIOLATION PETITIONER 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS OF THE UNITED STATES CONSTITUTION, AND VIOLATION PETITIONER RIGHTS OF DUE PROCESS.

PETITIONER AVER'S THAT IF THIS NEWLY DISCOVERED EVIDENCE HAD BEEN KNOWN AT TRIAL ABOUT JAMAR BROWN A KEY WITNESS WITHHELD INFORMATION OF MY INNOCENCE WHICH WITHHELD PETITIONER FROM RECEIVING A FULL AND FAIR TRIAL.

PETITIONER AVER'S THAT THE STATE OF ALABAMA DISTRICT ATTORNEY OFFICE KNEW OF THIS WITNESS AND OF INFORMATION HE WITHHELD CONCERNING THIS CRIMINAL MATTER, DEPRIVE YOUR PETITIONER OF A FAIR TRIAL AS REQUIRED BY THE 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS OF THE UNITED STATES CONSTITUTION.

PETITIONER AVER'S THAT THE STATE NOR PETITIONER COULD MAKE THIS WITNESS TESTIFY. IF JAMAR BROWN WAS WILLING TO TESTIFY OR NOT HE AS A KEY WITNESS SHOULD HAVE STILL BEEN SUBPENAED TO COURT TO AVOID VIOLATION OF DUE-PROCESS OF PETITIONER'S RIGHTS.

PETITIONER AVER'S THAT ANY AND ALL KEY WITNESSES SHOULD HAVE BEEN SUBPENAED TO TESTIFY TRUTHFULLY IN THIS CRIMINAL CASE IN THE PRESENCE OF THE JURORS AND

MATTER IF WITNESS TESTIFIED ) OR NOT HE SHOULD  
HAVE BEEN BROUGHT BEFORE THE JURORS PRESENCE!  
FOR THE RECORD IN OPEN COURT.

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PETITIONER AVER'S THAT HIS CLAIM AS NEWLY DISCOVERED EVIDENCE IS A KEY WITNESS IS NOW WILLING TO TESTIFY TRUTHFULLY IN THIS CRIMINAL CASE". ALSO, THE WITNESS STATES IN SUPPORT AS NEW EVIDENCE, THAT THE REASON HE DID NOT TESTIFY AT AN EARLIER DATE WAS BECAUSE HE WAS PROMISED A SENTENCE OF (20) YEARS OR SERVE (3) OR PROBATION FOR HIS COOPERATION IN THIS CASE. SEE AFFIDAVIT FROM JAMAR BROWN, EXHIBIT D AND E.

PETITIONER AVER'S THAT THE STATE OF ALABAMA MONTGOMERY COUNTY DISTRICT ATTORNEY OFFICE HAVE DEPRIVED OUR PETITIONER HIS RIGHT TO DUE PROCESS AND EQUAL PROTECTIONS OF THE LAW BY WITHHELD INFORMATION OF A KEY WITNESS JAMAR BROWN, EXHIBIT D AFFIDAVIT

PETITIONER AVER'S THAT THE CONSTITUTIONAL GUARANTEES DUE PROCESS AND EQUAL PROTECTION BOTH CALL FOR PROCLUDING IN CRIMINAL TRIALS AND POST-CONVICTIONS WHICH ALLOW NO ENVIOUS DISCRIMINATIONS BETWEEN PEOPLE OF DIFFERENT GROUPS. ALL PEOPLE CHARGED WITH A CRIME MUST SO FAR AS THE LAW IS CONCERNED STAND ON AN EQUALITY BEFORE THE BAR OF JUSTICE IN EVERY AMERICAN COURT. SEE CONSTITUTIONAL ALA. 500-831. SEE EXHIBIT D & E

PETITIONER AVER'S THAT HE RECENTLY RECEIVED THIS INFORMATION OF AFFIDAVIT FROM JAMAR BROWN AFTER DILIGENT SEARCH AND RESEARCH, OF FACTS AND INFORMATION MADE ARE TO YOUR PETITIONER. ALABAMA RULES OF CRIMINAL PROCEDURE, RULE 32.1 AND 32.2, ET. SEQ.,

PETITIONER AVE'S THAT THIS PETIT. IS BEING FILED **26**

WITHIN (6) MONTH OF THE PETITIONER DISCOVERY OF THE NEW MATERIAL FACTS AS ALLEGED HEREIN ABOVE. THE FACTS RELATING TO THE AFFIDANT OF JAMAR BROWN WERE NOT KNOWN BY PETITIONER AT THE TIME OF TRIAL OR SENTENCING OR IN TIME TO FILE A POST MOTION PURSUANT TO RULE 24, A.F.R.P. OR IN TIME TO BE INCLUDED IN ANY PREVIOUS COLLATERAL PROCEEDING AND COULD NOT BEEN DISCOVERED BY ANY OF THOSE TIME THROUGH THE EXERCISE OF REASONABLE DILIGENCE; THE FACTS ARE NOT MERELY CUMULATIVE OF OTHER FACTS THAT WERE KNOWN; THE FACTS ALLEGED HEREIN ABOVE HAD BEEN KNOWN AT THE TIME OF THE PETITIONER TRIAL OR SENTENCING THE RESULT OF THE PROCEEDINGS WOULD HAVE BEEN VERY DIFFERENT, IN THAT THE JURY WOULD NOT HAVE FOUND PETITIONERS GUILTY; AND THE FACTS ALLEGED HEREIN ABOVE ESTABLISHES THE PETITIONER INNOCENCE OF THE CRIME CHARGED. SEE EXHIBIT D.E

CONCLUSION

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WHEREFORE PREMISES SHOWN, YOUR PETITIONER  
HEREBY PRAYS FOR THE FOLLOWING:

(1)

YOUR PETITIONER HEREBY PRAYS THAT PURSUANT TO:  
A. R. C. P. RULE 32.7(A), THE RESPONDENTS BE ORDERED  
TO RESPOND TO THIS INSTANT RULE 32. PETITIONS WITHIN  
30) DAYS, AND;

(2)

THAT YOUR PETITIONER'S RULE 32, BE GRANTED AND F  
THIS HONORABLE COURT TO APPOINT PETITIONER'S COUNSEL  
TO REPRESENT PETITIONER IF THIS HONORABLE COURT  
GRANTED AN EVIDENTIARY HEARING, AND;

(3)

THAT YOUR PETITIONER'S CONVICTION AND SENTENCE  
BE IMMEDIATELY VACATED BY THIS HONORABLE COURT,  
WITH PREJUDICE!!!

(4)

THAT THIS COURT GRANT WHAT FURTHER RELIEF THAT  
THIS HONORABLE COURT DEEMS JUST, PROPER AND NECESSARY

EXECUTED THIS THE 14<sup>TH</sup> DAY OF SEPTEMBER 2003.

KOURTNEY GREENWOOD  
AJS#179810 Dorm B-71  
W.E.D.C.F.  
100 WARRIOR LANE  
BESSEMER, AL

35023

RESPECTFULLY SUBMITTED  
Kourtney Greenwood

~~EXHIBIT~~ A

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THE STATE OF ALABAMA  
MONTGOMERY COUNTY


Circuit Court of Montgomery County, \_\_\_\_\_ JULY \_\_\_\_\_ Term, A.D. 2002

The Grand Jury of said County charge that, before the finding of this indictment,

KOURTNEY SOVERN GREENWOOD, alias  
KOURTNEE S. GREENWOOD, alias  
KOURTNEE SOVENS GREENWOOD, alias  
COURTNEY S. GREENWOOD, alias  
K.S. GREENWOOD, alias  
KOURTNEY S. GREENWOOD, alias  
KOURTNEE SOVERN GREENWOOD, alias  
KOURTNEE SOVENSKY GREENWOOD, alias  
COURTNEY SOVENSKY GREENWOOD, alias  
COURNEY GREENWOOD,

whose name is otherwise unknown to the Grand Jury, did, in the course of committing a theft of lawful currency and/or coinage of the United States of America, of some value, a better description of which is unknown to the Grand Jury, use force against the person of the owner or any person present, Larry Copeland, Jr., with intent to overcome his physical resistance or physical power of resistance, or threaten the imminent use of force against the person of the owner or any person present, Larry Copeland, Jr., with intent to compel acquiescence to the taking of or escaping with the property, while the said Kourtney Sovern Greenwood, alias was armed with a deadly weapon or dangerous instrument, a gun, a better description of which is unknown to the Grand Jury, in violation of Section 13A-8-41 of the Code of Alabama,

against the peace and dignity of the State of Alabama.

  
District Attorney, Fifteenth Judicial Circuit of Alabama

Unified Judicial System

# VARRANT OF ARRES

(Felonies, Misdemeanors, or Violations)

2002F00683

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Form C65 (front)

Revised 11/92

Case Number

000.1933

IN THE DISTRICT COURT OF MONTGOMERY, ALABAMA  
 (Circuit, District, or Municipal) Name of Municipality or County

☒ STATE OF ALABAMA ☐ MUNICIPALITY OF \_\_\_\_\_

v. COURTNEY GREENWOOD, Defendant

## TO ANY LAW ENFORCEMENT OFFICER WITHIN THE STATE OF ALABAMA:

☒ Probable cause has been found on Complaint filed in this Court Against (name or description of person to be arrested)

COURTNEY GREENWOOD

Charging: [description of offense(s)] ROBBERY FIRST DEGREE

in violation of §13A-8-41 Code of Alabama 1975; OR

☐ An indictment has been returned by the Grand Jury of this county against (name of person to be arrested)

Charging: [description of offense(s)] \_\_\_\_\_

in violation of \_\_\_\_\_

☒ **YOU ARE THEREFORE ORDERED** to arrest the person named or described above and bring that person before a judge or magistrate of this Court to answer the charges against that person and have with you then and there this warrant with your return thereon. If a judge or magistrate of this Court is unavailable, or if the arrest is made in another county, you shall take the accused person before the nearest or most accessible judge or magistrate in the county of arrest.

☒ You may release the accused person without taking the accused person before a judge or magistrate:

☒ If the accused person enters into a bond in the amount of \$ 30,000.00 with two good sureties approved by an authorized officer or by depositing cash or negotiable bonds in the amount with the court clerk; OR

☒ If the accused person posts an appearance bond in the amount of \$ 30,000.00

☐ On his or her personal recognizance.

April 15, 2002 at 5:11 PM  
Date

[Signature]  
Judge/Magistrate Clerk



Case # 02-008434

## AFFIDAVIT

DISTRICT COURT OF MONTGOMERY ALABAMA

202F 6833C

DC02-1933

INSTRUCTIONS: Complete the following information on OFFENSE/OFFENDER

Offense: Robbery 1st DegreeDefendant's Name: Courtney GreenwoodD.O.B. 12/11/79Defendant's SSN: 417-08-0527Height: 5'11"Weight: 135Defendant's Address: 103 Courtland Dr. Montg. Al. 36105Date & Time of Offense: Tuesday 04/09/02 at 2350 HoursPlace of Occurance: 3000 blk of Moorecroft Dr. Montg. Al. 36107Person or Property Attacked: Larry Copeland Jr.How Attacked: Robbed at Gunpoint

Damage Done or Property Attacked: \_\_\_\_\_

Value of Property: \_\_\_\_\_

## Details of Offense:

The defendant approached the victim at the listed location and held an unknown type handgun under his shirt and demanded the victim's property. The victim identified the defendant in a photo line-up. This offense occurred in the City of Montgomery, in Montgomery County and is in violation of 13A-8-41 of the Code of Alabama, against the peace and dignity of the State of Alabama.

I make this affidavit for the purpose of securing a warrant against the said B/M Courtney Greenwood. I understand that I am instituting a criminal proceeding and cannot drop this case. I further understand that if any of the forgoing facts are untrue, I may, in addition to any other punishment provided by law, be taxed with court costs in this proceeding.

Sworn to and subscribed before me  
this 18 day of April 2002Larry Copeland Jr.  
ComplainantG. H. [Signature]  
Judge - Clerk - Magistrate

WITNESSES: (Name, Address, Telephone Number)

- 1) Larry Copeland Jr. [Redacted]
- 2) Det. N.T. Buce #166 MPD 320 N. Ripley St. Montg. Al. 36104 (334) 241-2963



EXHIBIT C-1-2-3-45

INMATE: 001793108 INMATE: GREENWOOD, KOURTNEY SOVERN RACE: B SEX: M  
INSTITUTION: 251 - MONTGOMERY JAIL CR: 000Y 05M 10D

DOB: 12/11/1979 SSN: 417-08-0527

ALIAS: GREENWOOD, COURTNEY ALIAS: GREENWOOD, K SOVERN

ALIAS: GREENWOOD, KOURTNEY

ADM DT: 12/30/2002 DEAD TIME: 000Y 00M 00D

ADM TYP: LIFE SENTENCE STAT: LIFE SENTENCE

CURRENT CUST: DTW-9 CURRENT CUST DT: 12/30/2002 PAROLE REVIEW DATE: - NONE -

SECURITY LEVEL: NO CLASSIFICATION RECORD FOUND

SERVING UNDER ACT446 LAW IN CLASS IV CURRENT CLASS DATE: 12/30/2002

INMATE IS EARNING : PROHIBITED FROM EARNING GOODTIME

COUNTY	SENT DT	CASE NO	CRIME	JL-CR	TERM
MONTGOMERY	12/30/02	N02000909	ROBBERY I	01600	LIFE CS
		ATTORNEY FEES : \$000150		HABITUAL OFFENDER : Y	
		COURT COSTS : \$0000375		FINES : \$0000000 RESTITUTION : \$0000146	
MONTGOMERY	12/30/02	N99000453	UNLAWFUL POSSESSION MARIJU	06020	010Y 00M 00D CC
		ATTORNEY FEES : \$000150		HABITUAL OFFENDER : N	
		COURT COSTS : \$0000106		FINES : \$0000000 RESTITUTION : \$0000110	

TOTAL TERM	MIN REL DT	GOOD TIME BAL	GOOD TIME REV	LONG DATE
999Y 99M 99D	00/00/0000			99/99/9999

INMATE LITERAL:

#### DETAINER WARRANTS SUMMARY

INMATE CURRENTLY HAS NO DETAINER WARRANT RECORDS

#### ESCAPEE-PAROLE SUMMARY

INMATE CURRENTLY HAS NO PAROLE RECORDS

INMATE HAS NO ESCAPES FROM ALABAMA D.O.C.

SINCE J.B.S.C.I.S. RECORDING BEGAN IN 1978

#### DISCIPLINARY/CITATION SUMMARY

INMATE CURRENTLY HAS NO DISCIPLINARY/CITATION RECORDS

State of Alabama  
Unified Judicial System

Form C-7

Rev 2/79

CASE ACTION SUMMARY  
CONTINUATION

Case Number

CC 99-453

Style:

State v/s Courtney Greenwood

Page Number \_\_\_\_\_ of \_\_\_\_\_ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

6/14/01 Motion of Reconsideration, Modification, Amend /  
alter term of imprisonment

7-16-01 Motion to Review Sentence

8/15/01 Motion for Reconsideration of Probation + notice  
of Completion of SAP.

State of Alabama  
Unified Judicial SystemCASE ACTION SUMMARY  
CONTINUATION

cc 99-453 GR

Form C-7

Rev 2/79

Style:

State v

Kourtnee Greenwood

Page Number

of

Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

9-10-01

Defendant appeared with Wiley Hartley for DOC sentence review. The Court is mindful that Defendant has had a history of chemical addictions and Defendant is advised that this is his FINAL CHANCE to comply with the Court's orders. The matters having been considered it is ORDERED:

1. That Defendant's sentence is suspended and his supervised probation is reinstated and he shall be placed on Level I monitor probation for the first 90 days. Defendant is to report to Probation Officer McCarty upon release from MCDF.

2. That Defendant shall pay \$40.00 per month toward his COMs beginning 11-1-01.

SMG

SALLY GREENHAW, CIRCUIT JUDGE

9-12-01

Probation Release to DOC

8-1-02

A declared delinquent for having been arrested on new charge of Robbery (02-909). A shall remain in delinquent status pending outcome of new charge.

SMG

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ALABAMA JUDICIAL INFORMATION SYSTEM  
 CASE ACTION SUMMARY  
 CIRCUIT CRIMINAL  
 CASE: CC 2002 000909.00  
 RUN DATE: 07/24/2002  
 JUDGE: SMG

THE CIRCUIT COURT OF MONTGOMERY

STATE OF ALABAMA

VS

GREENWOOD KOURTNEY GOVERN  
 103 COURTLAND DRIVE

AGE: CC 2002 000909.00

MONTGOMERY, AL 36105 0000

DOB: 12/11/1979 SEX: M RACE: B HT: 5 11 WT: 135 HR: EYES:  
 SN: 903070232 ALIAS NAMES: COURTNEY GREENWOOD KOURTNEE GREENWOOD  
 CHARGE01: ROBBERY 1ST CODE01: ROB1 LIT: ROBBERY 1ST TYP: F #: 001  
 OFFENSE DATE: AGENCY/OFFICER: 0030100

DATE WAR/CAP ISS:  
 DATE INDICTED: 07/19/2002  
 DATE RELEASED:  
 BOND AMOUNT: \$30,000.00

DATE ARRESTED: 07/24/2002  
 DATE FILED: 07/24/2002  
 DATE HEARING:  
 SURETIES:

DATE 1: DESC:  
 DATE 2: 08/01/2002 DESC: ARRG

TIME: 0000  
 TIME: 0830 A

TRACKING NOS: GJ 2002 070232 00

TYPE: A

TYPE:

DEF/ATY: Hartley

00000

00000

DC9V  
 0128

PROSECUTOR:

WITH CSE: GJ200207023200 CHK/TICKET NO: UNKNOWN  
 COURT REPORTER: SID NO: 001357047  
 STATUS: JAIL DEMAND: OPER: DBH

DATE	ACTIONS, JUDGEMENTS, AND NOTES
8-1-02	W. Durant for Assignment W. Hartley appointed
	DEFENDANT ARRAIGNED IN OPEN COURT, PLEADS NOT GUILTY.
	yo out 9-5-02 @ 8:30 smg
9-5-02	A denied yo - not eligible, set for trial smg
9/23/02	Notice of Discovery
10-18-02	Motion by State to Consolidate with 02-905 - shamar Brown granted. A present for pretrial smg

ment 15-5

CASE: CC 2002 000909.00  
JUDGE ID: SMG

$$V \in$$

DATE

ACTION, JUDGMENTS, CASE NOTES

10-30-02

## MISTRIAL GRANTED

MISTRIAL GRANTED after a jury was sworn in and some testimony taken. ENG  
Circuit Judge

Circuit Judge

12-11-02

JUDGEMENT IS HEREBY ENTERED  
IN ACCORDANCE WITH THE  
VERDICT OF THE JURY. *CS*

VERDICT OF THE JURY.

guilty of Robbery!  
Sentencing 12-30-82

STING

Girgiz, Lulu

## EXHIBIT D.

IN REFERENCE to my case NO# <sup>CC</sup>02000905 My name is Jamar Brown, On this date and time 11-21-02 I plead out to a crime I had committed, but to my understanding there is a guy by the name of Kourtney Greenwood who I supposedly have as a codefendant but I don't even know of that ~~guy~~ and he is not the person that was even present with me at the time this incident took place. I'll just start like this during my stay in the Montgy, County, Jail whenever I spoke with my lawyer Winston Durant about my cases he always seemed to speak of and ask about this guy ~~name~~ by the name of Kourtney Greenwood but I always told him I didn't even know a guy by that name so I stayed in the County Jail about 9 months so as time went on I went to court and plead guilty to the crimes I had committed, and I noticed at this time the D.A. who name was Perkins and another white ~~guy~~ who I think was a D.A. ~~who name was Perkins~~ along with my lawyer Winston Durant all continuously asked me about the dude Kourtney Greenwood so I told them I did not even know him which I really still do not so while sitting in the 11 cells in the back of the courtroom I was called out several times to talk to my lawyer and that D.A. lady name Mrs. Perkins, so on one occasion I was called out to talk to that lady D.A. Perkins and a white guy, so she asked me about Kourtney Greenwood again so I said I keep telling yall I don't know that dude why yall keep

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asking me the same thing," so the lady D.A. Perkins said he's not a witness for Kourtney Greenwood is he speaking to the white guy I don't know his name, so the white guy said I don't think so, so I was like witness what," what y'all talking bout, so the lady D.A. Perkins said, we mean without you testifying in court for this guy we have a case on this guy. so the lady D.A. said Mr Jamar Brown you work with me I'll work with you then she said I'll see to you getting 20/3 sapt return or probation, then she said you don't have to worry bout nothing I'm going to talk to the Judge, then she said you have a nice day Mr Jamar Brown I'll see you on the 12th of Dec til then just remember what I said then she left. So I ain't never been in with like this before but sapt return or Probation sounded good, so it was like a day before I went to get sentenced, I was called down to court, so when I got down there it was this other white guy name Hartley or some, I think he was that guy Kourtney Greenwood lawyer, then my lawyer that same D.A. Perkins lady and the other white guy who was with her before came to talk to me bout Testifying for that guy Kourtney Greenwood, so to be honest I was really thinking bout the sapt return or probation I was told I would get," so I just told them all the truth, that I don't even know a guy by that name probably never seen him before and that he was not the guy that was present with me at



the time I committed these crimes, but then I also said I was not going in that courtroom to testify ~~ing~~, and it see like that lady D.A. Perkins knew this was going to happen to me like this but I didn't say nothing," the reason for this letter to whomever it may concern is, I don't know if that guy Kourtney Greenwood went to trial or whatever, but I heard through the jail and from a couple of people I think knew him that he got messed up for some he didn't know anything about", and I Jamar Brown is a witness to that I know for a fact that guy name Kourtney Greenwood did not commit these crimes and do not know anything about them unless he was told or heard some about it, cause he I know was not the guy who was with me at the time all this trouble occurred I don't know how he ended up in this, but it has to be some mistakes made somewhere you know I sat back for months + months and I look back on how this all happened I think I could have stopped an innocent man out, and believe me I know he's innocent, and if there any way possible to whomever this letter may concern that I can do anything to help this guy out, I will do it, cause I am a changed man myself now and I can't continue to go on with this on my mind, and the good word has brought me to say this was all wrong from the start, and it has gotten an innocent man in a messed up situation, and I fought myself and that lady D.A. Perkins for the mistake, and I Jamar Brown am willing to testify or do whatever possible right now to not have that innocent



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man punished for my trouble. To whom ever this may concern will you please respond soon.

X In reference To: Again I Jamar Brown do not even know Kourtney Greenwood, and he is not the guy who was with me at the time I committed these crimes, and he ~~was~~ as a innocent man is being punished for some he did not do <sup>an</sup>/or knows nothing about, which I fought myself and Det. Perkins for this mistake, and I am willing to Testify in Kourtney Greenwood behalf or do whatever to make things right here to ever it may concern <sup>whom</sup>.

Sincerely,

Jamar Brown Jamar Brown

Notary

State of Ala - Mt. Co.

Sworn to and subscribed before me this 18 day March 03.

My commission Expires 1-17<sup>th</sup> day of 2006

Sperry Stan - Notary Public

Sincerely Jamar Brown <sup>AIS#</sup> 227221

Case# <sup>CC</sup> 2002-905

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~~EXHIBIT E~~

**MACEO O. KIRKLAND**

MACEO O. KIRKLAND, ESQ.

*Attorney at Law*

529 SOUTH PERRY STREET, SUITE 14-A  
MONTGOMERY, ALABAMA 36104  
(334) 261-6200

TELECOPIER  
(334) 261-6201

June 6, 2003

Kourtnee Greenwood AIS# 179810  
Bed# 2-88B  
Donaldson Correctional Facility  
100 Warrior Lane  
Bessemer, AL 35023

**Re: Your application for rehearing and recent correspondence**

Dear Kourtnee:

I have filed your application for rehearing in the Court of Criminal Appeals. I will inform of the outcome of that pleading when the clerk informs me. I have also met with Jamar Brown and he informed me that you were not his accomplice and that he refused to testify on your behalf because Ms. Perkins promised to get him a 20/3 split or probation. These facts are not reflected in the record on appeal, but they could be useful for a Rule 32 petition.

Regarding your insistence for your previous trial transcript, your sentencing transcript, and the consolidation transcripts, enclosed with this letter you will find copies of my motions to the trial judge for all of that. The court reporter who recorded those proceedings must be paid for typing them. I have asked the judge for the money to do so. That's the only way I can get those transcripts. I am doing all I can do, and I don't appreciate being threatened with the Rules of Professional Conduct in your last correspondence.

Sincerely,

*Maceo O. Kirkland*

Maceo O. Kirkland